

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 93-0438 SI

Plaintiff,

v.

**ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION**


KEVIN PAUL WOODRUFF,

Defendant.

On May 14, 2012, the Court issued an Order Denying Defendant's 28 U.S.C. § 2255 Petition and Motions Under § 3582(c)(1)(B) and 3583(e)(1). Dkt. 528. On May 21, 2012, defendant Woodruff filed a Motion for Reconsideration. Dkt. 529. The motion appears to reiterate arguments made in his numerous postconviction motions, namely that the Court should modify his sentence pursuant to 18 U.S.C. § 3582. This argument was rejected by Judge Vaughn Walker in his October 17, 2006 and April 3, 2008 Orders (dkt. 417 and dkt. 463) before the case was reassigned, and again by the undersigned judge in the May 14, 2012 Order. A motion for reconsideration under Federal Rule of Civil Procedure 59(e) "should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the law." *McDowell v. Calderon*, 197 F.3d 1253, 1255 (9th Cir. 1999) (citation omitted) (en banc). Such circumstances are not present here. The Court DENIES the motion for reconsideration.

IT IS SO ORDERED.

Dated: July 23, 2012



SUSAN ILLSTON
United States District Judge